

REMARKS/ARGUMENTS

Claims 2-13, 15-19 are pending in the application. Claims 6 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to provide sufficient antecedent basis and overcome the rejection. Claims 2-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Abrams et al. (USPN 5,830,575). Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Abrams. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams et al. in view of Eberle et al. (USPN 6,131,320) or Weiner (USPN 4,541,190). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams in view of Bowers et al. (PG Publication 2003/0154639). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams in view of Bowers and Wardle (USPN 4,137,657). Claims 9-12, 15 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts (WO 03/016017) in view of Abrams. Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams as applied to claim 12 above and further in view of Assalita (USPN 5,922,367). Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams as applied to claim 15 above and further in view of Hasl (USPN 4,880,368). Claim 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams and Hasl as applied to claim 16 above and further in view of Hellmer (USPN 4,397,625). Applicant disagrees with the conclusions of the office action and respectfully requests reconsideration.

Independent claim 2 is rejected under 35 U.S.C. § 102(b) as being anticipated by Abrams. Applicant has amended the

limitations of dependent claim 5 into independent claim 1 wherein the office action recognizes that claim 5 was not anticipated by Abrams. However, dependent claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Abrams. Applicant cannot agree because each and every limitation of amended claim 2 is not taught by the Abrams reference. Specifically, amended claim 2 requires "wherein the second object is a second sign and wherein the mounting feature secures the first sign to a back side of the second sign located opposite from the label." Abrams does not teach this limitation and instead teaches a mold 20 that is used to mold a back board 200 including placing a sheet or film 204 thereon. (Col. 19, lines 51-56). The backside of the backboard is best shown by Fig. 20 as rib members 202 and a second sign is not utilized. Thus, this limitation is not met and the rejection is considered overcome.

According to the office action "Abrams does not disclose a two sided sign. However, since it is well known in the marketing industry to use two sided point of use promotion signs to attract customers from two directions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the promotional sign of Abrams to another molded identical promotional sign in order to attract customers from two directions." Applicant asserts there is no reason to modify Abrams in this method and the only way to make such a modification is through use of improper hindsight reasoning where Applicant's claim is used as a blueprint using that taught the Applicant against the Applicant. Specifically, Abrams teaches a mold for a basketball backboard wherein the backside of a backboard is typically up against a garage or not seen by a user. There is no teaching within Abrams regarding

the marketing industry and no teaching that two sided point of use promotion signs attract customers as asserted by the office action. For that matter Applicant has not claimed a two sided sign and instead claims a second sign wherein the mounting feature of the first sign secures the first sign to a backside of the second sign located opposite from the label. Specifically, the office action has not pointed to any teaching in any prior art reference either in Abrams or otherwise that would teach or suggest modifying Abrams to utilize a second sign on the back of the backboard that potentially will not be seen by the viewing public. Instead, the only motivation or reason to modify Abrams as discussed in the office action comes from Applicant's disclosure. Applicant asserts this is improper hindsight reasoning and evidence of non obviousness. Thus, Applicant respectfully requests the rejection be withdrawn.

Independent claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Alberts in view of Abrams. Applicant cannot agree because neither Alberts nor Abrams, alone or in combination, discloses each and every element of claim 9. Claim 9 requires, inter alia, "wherein the ejector system contacts the formed sign on a side opposite from the label." Abrams provides no disclosure of an ejector system (See generally, Abrams), and the Office Action relies on Alberts to meet this limitation. However Alberts cannot cure Abrams as Alberts fails to disclose an ejector system that contacts a formed sign on a side opposite from the label. Instead, Alberts discloses a transfer device 4 which removes an earlier formed product 48 from the mold cavity 14 with vacuum cups 56 which engage the same side of the finished (label included) product 48 onto which the label 60 has been molded (Alberts, page 7, line 6 - page 8, line 16, See especially Fig. 5), and thus does not

contact a formed sign on a side opposite from the label, as required by claim 9. Therefore, because neither Alberts nor Abrams, alone or in combination, disclose an ejector system that contacts a formed sign on a side opposite from the label, the references cannot combine to meet each and every limitation of claim 9, and the Applicant respectfully requests that the rejection be withdrawn. Furthermore, claims 10 - 13 and 15 - 19 depend on the limitations of claim 9, either directly or indirectly, and overcome the anticipation rejection for that same reason.


CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 2 - 13 & 15 - 19 are in condition for allowance, and courteously solicits the same.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a horizontal line extending to the left.

Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200

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Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

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